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FRANCIS et al. v. TAZEWELL et al.

Jan. 11, 1917.

[91 S. E. 202.]

Slaves (§ 25*)—Legitimacy of Children—"Married"—"Legitimate."

—Under Code 1904, § 2227, providing that, where colored persons prior to February 27, 1866, agreed to occupy the relation of husband and wife, and were cohabiting together at that date, they shall be deemed husband and wife, and their children be deemed legitimate, and where they had ceased to cohabit before that date, for any cause, the woman's children recognized by the man to be his shall be deemed legitimate, they, having before that date cohabited under a bona fide agreement to live together as man and wife, are to be deemed "married," and her children by him "legitimate," though before that date he abandoned her for unfaithfulness, as this could not dissolve the bond of marriage, and if it could, would not affect the legitimacy of the children.

[Ed. Note.—For other cases, see Slaves, Cent. Dig. §§ 114, 115; Dec. Dig. § 25.* 12 Va.-W. Va. Enc. Dig. 409.

For other definitions, see Words and Phrases, First and Second Series, Marriage; Legitimate.]

Appeal from Circuit Court, Northhampton County.

Suit by Leah Francis and others against Thoroughgood Tazewell and others. From an adverse decree, plaintiffs appeal. Affirmed.

Otho. F. Mears, of Eastville, for appellants.

Thos. H. Nottingham and *J. T. Wilkins, III*, both of Bastville, for appellees.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.